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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IBIZ, LLC, a California Limited Liability  
Company,

Plaintiff,

vs.

CITY OF HAYWARD, a California  
municipal corporation,

Defendant

) Case No: CV 13 1537 SC

) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER TO CONTINUE DATE OF CMC**  
) **IT IS SO ORDERED AS MODIFIED**

) Current Hrg.:

) **Hrg. Date:** April 18, 2014

) **Hrg. Time:** 10:00 a.m.

) **Location:** Ctrm. 1, 17th Floor

) **Judge:** Samuel Conti

) Proposed New Hrg.:

) **Hrg. Date:** June 13, 2014

) **Hrg. Time:** 10:00 a.m.

) **Location:** Ctrm. 1, 17th Floor

COME NOW PLAINTIFF IBIZ AND DEFENDANT CITY AND STIPULATE AS FOLLOWS:

Pursuant to Local Rule 16-10(c), Plaintiff IBIZ, LLC ("Plaintiff" or "IBIZ") and

1 Defendant the City of Hayward (“Defendant” or the “City”) hereby submit this Stipulation and  
2 [Proposed] Order to continue the Case Management Conference presently set in this Court for  
3 April 18, 2014 at 10 a.m. to June 13, 2014, at 10 a.m., and to refer the parties to a settlement  
4 conference before a United States Magistrate Judge to be held approximately 150 days from the  
5 date of the Court’s order for the purpose of resolving the parties’ attorney fee dispute.

6 As the Court is aware, the merits of this case are now moot and the only outstanding  
7 issue to be resolved relates to Plaintiff I Biz’s entitlement to attorney fees pursuant to 42 U.S.C.  
8 §1988. (Doc. 55). The parties participated in an ADR teleconference with the Court’s ADR staff  
9 on April 10, 2014 during which the parties indicated that they would work diligently and in good  
10 faith to resolve the attorney fee issue informally so that Court resources would not be unnecessarily  
11 expended to resolve the issue. ADR staff proposed that, in order to allow the parties sufficient time  
12 to engage in good faith negotiations regarding the attorney fee matter, a recommendation would be  
13 made to this Court to refer the matter for a settlement conference to be held before a Magistrate  
14 Judge approximately 150 days from the date of the teleconference in the event the parties are  
15 unsuccessful in resolving the fee dispute informally. The parties are agreeable to that arrangement.

#### 16 **STIPULATION**

17 Subject to the approval of the Court, the parties, by and through their counsel of record,  
18 HEREBY STIPULATE as follows:

- 19 (1) The Case Management Conference currently scheduled for April 18, 2014, at 10:00 a.m.  
20 is continued to June 13, 2014 at 10:00 a.m. or to any other time that is convenient for  
21 the Court;
- 22 (2) The resolution of the attorney fee dispute will be referred for a settlement conference  
23 before a United States Magistrate Judge to be held approximately 150 days from the  
24 date of the Court’s Order regarding this Stipulation.

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1 DATED: April 10, 2014

John H. Weston  
G. Randall Garrou  
Jerome Mooney  
WESTON, GARROU & MOONEY

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5 By: /s/ G. Randall Garrou, as authorized on 4/10/14  
G. Randall Garrou  
Attorneys for Plaintiff IBIZ LLC

6  
7 DATED: April 10, 2014

MICHAEL S. LAWSON, CITY ATTORNEY

8  
9 By: /s/ Michael G. Vigilia  
MICHAEL G. VIGILIA  
Assistant City Attorney, City of Hayward  
Attorney for Defendant, City of Hayward

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11  
12 **PROPOSED ORDER**

13 Based on the stipulation of the parties, and good cause appearing therefore, the Court enters  
14 the following orders:

- 15 (1) The Case Management Conference currently scheduled for April 18, 2014, at 10:00 a.m.  
16 is continued to ~~June 13, 2014~~ September 19, 2014 at 10:00 a.m.;
- 17 (2) The resolution of the attorney fee dispute will be referred for a settlement conference  
18 before a United States Magistrate Judge to be held approximately 150 days from the  
19 date of the Court's Order regarding this Stipulation.  
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21 **IT IS SO ORDERED.**

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24 DATED: 04/14/2014

